

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YUSUF JAMA,

Petitioner,

v.

ERIC HOLDER, Attorney General of the
United States, et al.,

Respondents.

NO. C13-1246-JCC-JPD

REPORT AND
RECOMMENDATION

On July 16, 2013, petitioner Yusuf Jama, proceeding through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, in which he challenged the lawfulness of his immigration custody due to the unlikelihood of his removal from the United States to Somalia in the reasonably foreseeable future. Dkt. 1, Attach. 1. His petition sought an order from this Court directing respondents to release him from custody. *Id* at 5. On August 19, 2013, respondents filed a return memorandum and motion to dismiss based on the fact that they had successfully negotiated the issuance of a travel document for petitioner and expected to remove him to Somalia in the reasonably foreseeable future. Dkt. 12. Petitioner filed a response in opposition to respondents' motion to dismiss on September 9, 2013. Dkt. 16.

1 On September 12, 2013, the parties jointly moved to hold this case in abeyance. Dkt.
2 17. The parties stated that they had agreed that petitioner would remain in custody until
3 October 30, 2013, to allow immigration officials to continue efforts to remove petitioner to
4 Somalia. The parties further agreed that if petitioner was not removed to Somalia by October
5 30, 2013, he would be released pursuant to an order of supervision. *Id.* at 1. Therefore, the
6 parties requested that this action be held in abeyance until October 30, 2013, to allow the
7 above-described events to occur. The Court subsequently granted the parties' motion to hold
8 the case in abeyance until October 30, 2013. Dkt. 18.

9 On October 29, 2013, the parties filed a stipulated motion for order of dismissal,
10 indicating that petitioner was removed to Somalia on October 26, 2013. Dkt. 20. The parties
11 agree that this action is now moot and may be dismissed without prejudice and without costs or
12 fees to either party.

13 Pursuant to the stipulation and agreement of the parties, the undersigned recommends
14 that this matter be dismissed without prejudice and without award of costs or fees to either
15 party. A proposed order accompanies this Report and Recommendation.

16 DATED this 13th day of November, 2013.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge
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